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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,687	11/12/2003	Akihiro Miwa	393032041800	9078
25224	7590	02/21/2006	EXAMINER	
MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024			QIN, JIANCHUN	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

52

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,687	<b>Applicant(s)</b> MIWA, AKIHIRO	
	<b>Examiner</b> Jianchun Qin	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. (U.S. Pat. No. 5434626).

With respect to claims 1, 7 and 8:

Hayashi et al. teaches a cursor movement controlling apparatus, method and computer program for controlling a cursor movement for an electronic musical apparatus, comprising: a display that displays a plurality of choices for controlling parameters of the electronic music apparatus, each choice categorized into one of a plurality of groups, and a cursor for selecting a choice from the plurality of displayed choices (Figs. 5 and 6a-6c; col. 9, lines 23-68); an instructor that instructs a movement of the displayed cursor from a current choice at which the cursor is currently displayed to another choice (col. 9, lines 42-47); a movement storage device that stores choice information for each of the plurality of groups, the choice information indicating at which choice in a group the cursor should be displayed when the cursor is moved to the group from one of the choices in another group (col. 9, lines 12-22; col. 10, lines 1-7); and a cursor moving device that moves, when the movement of the cursor from a current choice in a first group to another choice in the same group is instructed, the cursor to

the another choice and stores the movement of the cursor as choice information of said first group in the movement storage device, and that moves, when the movement of the cursor from a current choice in said first group to a choice in a second group is instructed, the cursor to the choice in said second group indicated by choice information of said second group (col. 9, lines 1-39).

With respect to claims 3-6:

The teaching of Hayashi et al. further includes: the movement storage device stores information concerning a position of the cursor within the first group as choice information (col. 9, lines 12-22; col. 10, lines 1-7); the movement storage device stores choice information commonly for the plurality of groups (col. 9, lines 12-22; col. 10, lines 1-7); the movement storage device stores choice information individually for each of the plurality of groups (col. 9, lines 12-22; col. 10, lines 1-7); and the cursor moving device moves the cursor in accordance with the instruction of the instructor when the movement of the cursor within the first group is instructed (col. 9, lines 42-47).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. in view of Robertson et al. (U.S. Pat. No. 5598183).

Hayashi et al. teach the subject matter discussed above. Hayashi et al. do not mention explicitly: the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement.

Robertson et al. teaches the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement (col. 3, lines 51-67; col. 4, lines 1-14 and lines 42-67 and col. 5, lines 1-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Robertson et al. in the invention of Hayashi et al. in order to provide a mechanism for tracking the movement of the cursor so that when it is needed the cursor can be moved back to the original position easily (Robertson et al., Abstract).

### ***Prior Art Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Bates et al. (U. S. Pub. No. 2003/0067442 A1) is entitled "Method and system for selectively controlling graphical pointer movement based upon web page content".

2) Kunitomo (U. S. Pat. No. 5739454) is entitled "Method and device for setting or selecting a tonal characteristic using segments of excitation mechanisms and structures".

3) Koyama et al. (U. S. Pat. No. 5646362) is entitled "Sound parameter editing device for an electronic musical instrument".

4) Hotta (U.S. Pat. No. 5225617) is entitled "Selection device for tone control in an electronic music instrument"

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

7. Applicant's arguments received 12/13/05 with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-8 are rejected as new prior art reference (U.S. Pat. No. 5434626 to Hayashi et al.) has been found to teach the limitations recited in the amended claims. Detailed response is given in sections 1-4 as set forth above in this Office Action.

**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jianchun Qin  
Examiner  
Art Unit 2837

JQ  
February 13, 2006



MARLON T. FLETCHER  
PRIMARY EXAMINER